

## REMARKS/ARGUMENTS

### Specification

The Examiner has indicated that the disclosure should updated the status of the copending application referenced on page 2 of the specification. This has been done.

On page 8 of the application, Applicant indicated the device could rotate “about a third substantially orthogonal (to both the first axis and the second axis) axis . . . .” Inadvertently, Applicant gave an example of a way of accomplishing this goal where a motor to rotate the supports for the shaft was stated to be on the supporting bars **20** when viewing the drawings shows that it should be on the table **19** in order for the third axis always to remain orthogonal to the first and second axes. An appropriate correction has, therefore, been made.

### Claim Rejections

#### 35 U.S.C. § 102

The Examiner has rejected claims 1, 2, 5, and 8. Applicant has canceled these claims

The retained claims have been amended to explicitly include the limitations which they previously had by being dependent upon canceled claims.

The Examiner has also rejected claims 1-8 as being anticipated by von der Heide (United States patent no. 3,683,062.

Applicant respectfully observes that, although the axes of the device in von der Heide that produce rotation in the direction of the arrows 110 and 111 will always be orthogonal to one another, the axis that produces the rotation shown in FIG. 9 in a clockwise direction, will not always be orthogonal to the axis that produces the rotation in the direction of arrow 110. In fact,

rotation in the direction of arrow 111 will sometimes cause the axis that produces the rotation in the direction of arrow 110 to be parallel to the axis that produces the rotation shown in FIG. 9 in a clockwise direction.

And in the present application, claims 3, 4, 6, and 7 require “rotating said shaft about a third axis that is substantially orthogonal both to the first axis and to the second axis.”

Therefore, Applicant respectfully submits that von der Heide does not anticipate claims 3, 4, 6, and 7.

MPEP § 2131 provides, in pertinent part:

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegall Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1239, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis*, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

### 35 U.S.C. § 103

The Examiner has also rejected claims 3, 4, 6, and 7 under 35 U.S.C. 103(a) as being unpatentable over Pitavy et al. (United States patent no. 4,764,322) in view of any one of several other patents, stating that Pitavy et al. “disclose a rotational molding apparatus wherein a mold is rotated about three mutually orthogonal x, y and z” axes.

Applicant, however, respectfully believes that in Pitavy et al., although the y- and z- axes will always be orthogonal to one another and the x- and y- axes will always be orthogonal to one another, rotation about the y axis will cause the x axis not to be orthogonal with respect to the z axis and, at times, even parallel to the z.

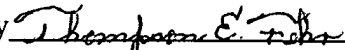
Consequently, Applicant respectfully suggests that no matter with what Pitavy et al. is combined, the combination will not create the device of the present claims 3, 4, 6, and 7.

Applicant respectfully requests the Examiner to allow claims 3, 4, 6, and 7.

DATED this 7<sup>th</sup> day of January, 2004.

Respectfully,

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